

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MONTICH,

Plaintiff,

v.

MIELE USA, INC.,

Defendant.

Civil Action No. 11-2725 (MAS)(DEA)

ORDER

This matter having come before the Court upon the Motion to Dismiss of Defendant Miele USA, Inc. ("Defendant") (ECF No. 44), and the Court having carefully considered the pleadings, and having conducted oral argument on December 19, 2012, and for the reasons set forth on the record, and for other good cause shown,

IT IS on this 3rd day of January, 2013, **ORDERED** that:

1. Defendant's Motion to Dismiss is granted as to Counts I, II and IV of Plaintiffs' Complaint, all of which are dismissed without prejudice.
2. Defendant's Motion to Dismiss is denied as to Count III.
3. Plaintiff shall have until **January 14, 2013** to file an amended complaint consistent with the Court's bench opinion.

s/ Michael A. Shipp

MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE